

Draft Resolution 17-003
LCR MSCP HCP Amendment
Addition of Northern Mexican Gartersnake
June 28, 2017

Whereas, the final rule listing the northern Mexican gartersnake as Threatened under the Endangered Species Act of 1973, as amended, was published in the *Federal Register* on July 8, 2014;

Whereas, northern Mexican gartersnakes were found on the Bill Williams River between Planet Ranch and Alamo Dam in 2012;

Whereas, in 2015 a northern Mexican gartersnake was confirmed at the Beal Lake Conservation Area and the Bureau of Reclamation (Reclamation) initiated consultation with the U.S. Fish and Wildlife Service (USFWS) for maintenance and infrastructure improvements at the Beal Lake Conservation Area and received a Biological Opinion in November 2015;

Whereas, a Work Group meeting was held in January 2016 to discuss options for adding the northern Mexican gartersnake to the LCR MSCP;

Whereas, on October 26, 2016, the Steering Committee approved PDD 17-001, option 3, directing Reclamation to initiate discussions with the USFWS about adding the northern Mexican gartersnake as a covered species to the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) for incidental take coverage in all seven reaches;

Whereas, Reclamation discussed the proposed changes with the USFWS, completed its technical analysis and drafted the proposed Habitat Conservation Plan (HCP) Amendment (attached) and Best Management Practices;

Whereas, Reclamation also drafted for the federal agencies a corresponding amendment to the Biological Assessment (BA), in compliance with the federal parties' reconsultation process, and a draft Environmental Assessment with the USFWS for Reclamation's implementation of the amended HCP and the USFWS' issuance of the section 10(a)(1)(B) permit (Permit);

Whereas, the Steering Committee has had the opportunity to review and comment upon the documents referenced above;

Whereas, to add additional species to the list of Covered Species, according to Section 10.3 of the LCR MSCP Implementing Agreement (IA) and Section Q-1 of the Permit, both dated April 4, 2005, the Permittees shall propose an amendment of the HCP and request an amendment to the Permit;

Whereas, according to Section Q-1 of the Permit and Section 14.2 of the IA, the Permit may be amended only with the agreement of all the Permittees and Parties to the IA, respectively;

Whereas, the Permittees and Parties to the IA were notified in writing by May 31, 2017 that this Resolution 17-003 is intended to serve as the agreement of the Permittees and Parties to the IA to:

1. authorize and direct the Steering Committee Chair, acting on behalf of the Permittees, to submit to the USFWS a request for an amendment to the Permit to add the northern Mexican gartersnake and provide the necessary supporting documentation including the Draft HCP Amendment, noting that Reclamation will submit concurrently to USFWS for the federal agencies a corresponding amendment to the BA and a draft Environmental Assessment prepared with the USFWS;
2. providing that the amended Permit terms and conditions are substantially similar to the proposed amendment of the HCP attached hereto and no Permittee or Party of the IA objects to this Resolution, approve the Permit Amendment;

Now therefore, be it resolved that the Steering Committee approve by consensus, and direct the Steering Committee Chair, acting on behalf of the Permittees, to request an amendment to the Permit by submitting a Federal Fish and Wildlife Permit Application Form and all necessary documentation thereof, including the Draft HCP Amendment to the USFWS.

Be it further resolved that the Permittees and Parties to the IA accept the amended Permit, provided that the amended Permit terms and conditions are substantially similar to the proposed amendment of the HCP.